

## PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: August 10, 2005

CALLED TO ORDER: 5:05 p.m.

ADJOURNED: 8:41 p.m.

### ATTENDANCE

#### Attending Members

Mary Moriarty Adams, Chairwoman  
Greg Bowes  
Vernon Brown  
Sherron Franklin  
Lynn McWhirter  
William Oliver  
Lincoln Plowman  
Scott Schneider

#### Absent Members

### AGENDA

Presentation on sub-committee recommendations for the use of COIT dollars to the Criminal Justice Planning Council - Marion County Clerk Doris Anne Sadler and Judge Mark Stoner.

PROPOSAL NO. 276, 2005 – reappoints David Hurley to the Animal Care and Control Board  
“Do Pass” Vote: 6-0

PROPOSAL NO. 348, 2005 - creates a new nonreverting fund to be known as the "Marion Superior Court Donation Fund"  
“Postponed until August 23, 2005” Vote: 6-0

PROPOSAL NO. 349, 2005 - creates a Marion Superior Court petty cash fund  
“Postponed until August 23, 2005” Vote: 6-0

PROPOSAL NO. 403, 2005 - creates a user fee for deployment of public safety services and creates non-reverting funds with authority for expenditures or appropriations from the said funds  
“Postponed until August 23, 2005” Vote: 6-0

### **BUDGET HEARING**

Overview – City Controller

Department of Public Safety

Indianapolis Police Department and Pension Fund

Indianapolis Fire Department and Pension Fund

Marion County Sheriff

## PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, August 10, 2005. Chairwoman Mary Moriarty Adams called the meeting to order at 5:05 p.m. with the following members present: Greg Bowes, Vernon Brown, Lynn McWhirter, William Oliver, and Scott Schneider. Sherron Franklin and Lincoln Plowman arrived shortly thereafter. Also present was Bart Brown, the Council's Chief Financial Officer.

PROPOSAL NO. 348, 2005 - creates a new nonreverting fund to be known as the "Marion Superior Court Donation Fund"

PROPOSAL NO. 349, 2005 - creates a Marion Superior Court petty cash fund

PROPOSAL NO. 403, 2005 - creates a user fee for deployment of public safety services and creates non-reverting funds with authority for expenditures or appropriations from the said funds

Councillor Schneider moved, seconded by Councillor Oliver, to Postpone Proposal Nos. 348, 349, and 403, 2005 to a special Public Safety and Criminal Justice Committee meeting on August 23, 2005 at 4:00 p.m. The motion carried by a vote of 6-0.

PROPOSAL NO. 276, 2005 – reappoints David Hurley to the Animal Care and Control Board

Mr. Hurley, stated that he was appointed in 2004, and he is currently the Corporate Compliance Officer for Wishard Health Services. Mr. Hurley said that he has practiced law in Indianapolis for the last 20 years and has served as a Deputy Prosecutor and Deputy Public Defender. He said that he has enjoyed his tenure on the Animal Care and Control Board and he is now asking for reappointment.

Councillor Bowes moved, seconded by Councillor McWhirter, to send Proposal No. 276, 2005 to the full Council with a "Do Pass" recommendation pending the background check. The motion carried by a vote of 6-0.

Presentation on sub-committee recommendations for the use of COIT dollars to the Criminal Justice Planning Council - Marion County Clerk Doris Anne Sadler and Judge Mark Stoner

Doris Anne Sadler, Marion County Clerk, stated that the problems that the County is facing are long-term. There are no easy answers, and this presentation is the first part of a comprehensive long-term plan to correct a system that is in crisis. The Criminal Justice Planning Council (CJPC) has recognized the reality of early releases from the jail. These early releases have allowed people onto the street that have committed six murders in the last year. Ms. Sadler said that the CJPC was formed to evaluate the needs of the Marion County Justice system. This committee began meeting in February 2005 and became affectionately known as, "The Thursday Afternoon Group". This group was tasked with studying and making recommendations on how to best to use the additional COIT dollars that were approved in February 2005 to affect jail overcrowding and, specifically, to stop early releases. Mark Stoner, Marion Superior Court

Judge, stated that the ability to raise income taxes to pay for public safety is long overdue. Everyone in the Criminal Justice System recognizes that there has been a crisis for a long time and that a bi-partisan approach is necessary. Judge Stoner stated that the Planning Council met to discuss the best way to make the system process faster. One suggestion was to build more jail beds. This process was the most expensive proposition. Another suggestion was to build up two new floors at the Arrestee Processing Center, but this would have cost the County \$19 million and it would have been \$5 million annually to run these additional floors. For the past decade, the Indiana Supreme Court had documented that there is a need for more than 20 courts in Marion County because of the population. Year after year there was a request for these courts, and they continued to be turned down. Marion County is now suffering from bad decisions made in the past. Judge Stoner commended the Public Safety Committee for taking the first step to address the problem of jail overcrowding.

Ms. Sadler and Judge Mark Stoner reviewed a brief COIT presentation (Exhibit A, on file in the Council office with the original set of minutes). Key points of this presentation are as follows:

- The CJPC is comprised of representatives from various offices, plus all other agencies that affect the process of criminal cases from arrest to disposition.
- The way to reduce the length of stay in the jail is to move cases through the system in a more timely manner.
- A new Transcriptions Unit within the Justice Agency would eliminate the transcription unit from the Indianapolis Police Department (IPD) and also from the Marion County Sheriff's Department (MCSD). There would be a one-time cost of \$56,500 and a recurring cost of \$582,000.
- Funds in the amount of \$1,425,115 are needed to build out space for Criminal Court 20 on the 4<sup>th</sup> floor, East wing of the City-County Building. Another \$1,913,554 is needed to create a new Major Felony Court, and this amount would include every part needed to operate the court, with a recurring cost of \$1,913,554.
- There are two areas that affect the Crime Lab. The first is a one-time cost of \$156,206 to outsource the DNA backlog, which is currently 86 cases behind. The second part is to prevent the reoccurrence of a backlog build-up by increasing the staff.
- A one-time cost of \$202,000 for overtime for court line deputies would allow for proper staffing levels to be maintained to ensure defendants are transported to court for hearing, as well as enable jury trials the ability to proceed past 5:00 p.m. when necessary.
- COMPAS is a Risk Assessment software package that would help make the decision in determining release conditions. This software would follow the offender throughout the system.

- Salary increases for the Public Defender Agency, Marion County Clerk's Office, and the Court Line Division would assist with the turnover rate and provide for an adequate number of staff needed to improve the system.
- The Tier One Total cost would be \$12,509,530 with a recurring cost of \$9,279,717.

Councillor McWhirter asked if there is a way to track and monitor this system that is actually helping with the jail-overcrowding situation. Ms. Sadler said that this is the next task for the CJPC. Judge Stoner stated that it will be up to the judicial system to enforce the rules and regulations that will be set to ensure that the system is more efficient. He said that this is a short-term plan that is just the beginning stage of the long-term plan.

Councillor Plowman asked if there is a long-term plan available. Judge Stoner stated there is a long-term plan, but the main focus is on these short-term goals.

Councillor Bowes asked if the overtime for the Court Line Deputies is requested to reduce the backlog. Judge Stoner answered in the affirmative.

Councillor Schneider asked if there is a judge assigned to one particular courtroom. Judge Stoner answered in the affirmative. Councillor Schneider asked how many hours of court time a judge puts in on a regular day. Judge Stoner stated that there is a morning session and then an afternoon session. Cases are generally scheduled in a way that makes sense in terms of the average number of cases. There is always a misconception that if the courtroom is not being used, then the judge is not working. Depending on the cases, and the outcome of these cases, the judge could be in their office ruling on pleas.

Councillor Bowes asked if COMPAS coordinates with the existing Justis.Net system. Judge Stoner said that COMPAS does not address the Justis.Net system but it will be used as an evaluation tool to help the courts make a better decision within the bill matrix. Ms. Sadler stated that Justis.Net will allow COMPAS to interface with other systems.

Councillor Franklin asked if the Public Defender Agency, Marion County Clerk's Office, and the Court Line Division all received raises last year. Ms. Sadler answered in the negative. Judge Stoner stated that salaries in these areas have caused people to find better paying jobs. When someone from any one of the agencies leaves, the cases would be turned over to someone else, which in turn would prolong the process. He said that the lack of the funding for salaries has a substantial effect on jail bed stays.

### **Overview – City Controller**

Jeff Seidenstein, Budget Manager, reviewed some changes in the revenue before the budget overview. The property tax is \$42.4 million, the COIT that goes into the police fund budget is

\$28.7 million, and the total of that is \$71 million. He said that there is a reduction of \$3.4 million in inter-governmental revenues due to a reduction of grants that the police receive. Some other changes in the federal dollars are shown in this inter-governmental reduction.

Doug King, Chief Financial Officer for the Department of Public Safety, reviewed the financial report for all the agencies.

Councillor Franklin asked if the report includes any surprise expenses. Mr. King answered in the affirmative. Mr. Clifford said that all of the budgets that the City passes are predicated on changes throughout the year. If expenses go up, it will require an additional appropriation from the Council.

Councillor Plowman asked if the \$4.9 million reductions in Character 01, are because of the 48 officers that are to be laid off and those that will leave through attrition. Mr. Clifford answered in the affirmative.

Councillor McWhirter asked how Institutional Medical and Food Supplies are used. Mr. Seidenstein said that this line item would involve janitorial supplies, and the bulk of it would go to the K-9 section. Councillor McWhirter asked what has been cut out of Vehicular Equipment and Lease and Rental of Equipment. Mr. King said that the department is not buying or leasing any vehicles. Mr. Clifford said that there is money that is in the Cumulative Fund that can be used to buy vehicles, but the City is waiting on the outcome of the law enforcement consolidation discussion. Based on the retirements of the 78 officers, and the 48 officer layoffs, the department wants to see how those cars will be used.

Councillor Schneider asked where the proposed fee increases appear. Mr. Seidenstein said that they appear in the revenue section. Councillor Schneider asked if the anticipated \$2.5 million that the Mayor spoke about in his budget speech is included in the revenue section. Mr. Seidenstein said that the \$2.5 million is included in the revenue section of the Indianapolis Fire Department budget.

### **Indianapolis Police Department and Pension Fund-IPD Chief**

Mr. Seidenstein said that \$2,729,058 in Character 03 that is the amount that is required for next year's debt service payment on the pension obligation bond.

Councillor Plowman asked to what fund the excess COIT will be submitted into. Mr. Seidenstein stated that the excess COIT will go into the fund balance. He said that the City is anticipating some additional COIT next year, which will be left in the fund to help pay back future obligations against that pension fund.

Councillor McWhirter asked why there is no money budgeted for Group Insurance, yet expenses come out of this Character. Mr. Seidenstein said that the insurance is charged to the Group

Insurance Character throughout the year, and at the end of the year it is transferred over and expensed out of the General Fund.

Chief Michael Spears, Indianapolis Police Department (IPD), explained the IPD portion of the presentation. Key points of the presentation are as follows:

- The organizational structure for IPD is divided into four separate divisions: the Office of the Chief, Operations, Criminal Investigations, and Administration.
- The Operations division is the largest part of IPD, which has a total number of 971 employees
- There are 1,623 members of IPD: 1,232 are sworn positions, and 391 are civilian positions.
- In 2004, \$6.3 million was spent in grants for IPD, and \$3.4 million in new grants were awarded.
- In 2006, Indianapolis will host several hundred events, both small and large. The department will continue to place an emphasis on the coordination of planned and unplanned events by providing high levels of security and safety and positive hospitality through professional and courteous service.
- Community policing allows police to customize law enforcement so policing is tailor-made for each neighborhood, and it involves a shared responsibility for public safety between the community and the police department.
- Through collaborative planning efforts, IPD ensures its readiness and preparedness to respond to catastrophic events and man-made or natural disasters, including acts of terrorism.

Councillor Schneider asked what the City's obligation is to the officers that were hired through the COPS grant. James Reno, IPD Deputy Chief, said there are still 186 positions that collectively need to exist until the end of 2007.

Chairwoman Moriarty Adams asked if the officers that are funded through the COPS grant are allowed to take radio runs. Chief Spears stated that from what he understand they are now allowed to take radio runs.

Councillor Oliver asked if the consent decree is still in effect. Chief Spears answered in the affirmative.

Councillor Schneider asked how the relationship is with IPD and MCSD. Chief Spears stated that he believes there is a great working relationship between the two departments.

Regarding the 78 officers who are going to retire and the 48 officers that would be lost due to layoff, Councillor McWhirter asked how this affects IPD. Chief Spears stated that the reduction in staff will certainly cause IPD to re-evaluate things in terms of priorities. The top priority is to maintain the highest level of assignments within the patrol districts. Chief Spears stated that currently IPD is down 11 run-taking positions, so some of the support assignments may have to be re-assigned to direct patrol and law enforcement duties.

Councillor Schneider asked what the DROP plan is. Mr. Clifford stated that to qualify for the DROP plan, the officer has to be eligible to retire. If the officer decides to enroll in the plan, he or she locks in their retirement benefit the date he or she would sign up and then receives an additional pay out when the retirement comes up. Councillor Schneider asked what the total number of positions is that will be eliminated at the end of 2006. Mr. Clifford stated that if they were forced to do the layoffs it will be 126 sworn officers and a slight reduction in the number of civilians that IPD has. He added that the Mayor is very optimistic and hopeful that IPD will get back to their level.

Councillor McWhirter asked what the time limit is for officers to sign up for the DROP plan. Chief Reno said that the limit is a minimum of one year out and a maximum of three years out. This plan will expire at the end of 2007, and there are currently 83 officers enrolled in the DROP plan.

Councillor Oliver asked if there is ever a high turnover rate in IPD officers. Chief Spears answered in the negative. He said that most people who apply to be officers want it as a career and not just as a job.

Chairwoman Moriarty Adams asked if the officers that are now allowed to take radio runs will help with the loss of officers through attrition and layoffs. Chief Spears answered in the affirmative. He said it will give the department a lot more flexibility.

### **Indianapolis Fire Department and Pension Fund**

Mr. Seidenstein said that there is \$9.5 million being allocated to the Indianapolis Fire Department (IFD). There is another \$3.6 million, which is a revenue source from the payment-in-lieu-of-taxes (PILOT) from the Wastewater Treatment Plant. Mr. Seidenstein stated that in both the police budget and the fire budget, there is a negative revenue of \$5 million to repay a loan that was authorized for 2005 from the sanitation fund.

Chairwoman Moriarty Adams asked if there were specific cuts on purchasing fire apparatus equipment in 2006. Mr. Clifford stated that they left money un-appropriated in the Cumulative Fund in an attempt to bide some more time to figure out how to allocate the capital money for new equipment between MCSD, IPD, and IFD. Mr. Seidenstein stated that there is \$1.9 million for lease and rental of equipment for the requirements to pay the lease obligations on existing leases.

Councillor Franklin asked what kind of equipment is leased by IFD. Mr. Seidenstein said that the leases would be for fire trucks that are purchased and paid for over a period of time, which is considered a lease.

Councillor McWhirter stated that in 2005 the budget was \$794,000 for overtime, and year to date \$1,316,000 has already been spent. She said that IFD's force is being reduced, which will only result in more overtime. She said this does not make any sense. Rick Longerich, IFD Battalion Chief, stated that \$794,000 has been the same budgeted overtime figure for the last six years. Underspending in regular salaries covers any expenses over that. Councillor McWhirter asked why there are layoffs of firefighters just to pay other firefighters' overtime. Mr. Clifford stated that there are no layoffs anticipated, simply a reduction in forces through retirements. He said that they are trying to come up with a plan to add a firefighter class as early as January 2006.

{Clerk's note: IPD's and IFD's presentation is on file in the Council office with the original set of minutes.}

Chief Longerich explained the IFD portion of the presentation, which included the following points:

- In 2004, IFD responded to over 65,000 incidents.
- There are 751 uniformed staff and 71 civilian staff, and the anticipated number of staff in 2006 is 707 uniformed staff and 68 civilian staff.
- IFD provides services for Wishard Ambulance Service and eight township fire departments in Marion County.
- The Code Enforcement Night Teams (CENT) is a unit that conducts operations in an effort to reduce hazards that may be present after normal business hours. CENT is composed of staff from IFD, IPD, the Marion County Health Department, the State Fire Marshal and the State Excise Police.
- Between the years 2004 and 2007 there will be 155 firefighters that will be leaving the ranks with IFD and they will take with them over 5,000 years of experience.
- IFD is one of thirty departments nationwide that is developing a National Firefighter Near-Miss Reporting System.

Councillor Bowes asked what the policy is when IFD goes on runs with Wishard ambulances. Steve Auch, Emergency Management Services (EMS) Battalion Chief, stated that the departments do priority dispatching. If the run is deemed to be a time-critical run, then IFD would go along and help out.



Councillor Schneider asked what the total number is of staff reductions through attrition. Chief Longerich said that there will be 54 staff positions leaving through attrition.

Chairwoman Moriarty Adams asked if the dispatch charges are coming out of the respective budgets of IPD, MCSD and IFD. Mr. Clifford stated that traditionally IPD pays MCSD \$4 million to cover dispatch, and IFD pays for all the dispatch of the fire out of MECA. He said what was done this year is different from last year due to the COIT Distribution.

Mr. Clifford explained the 2006 COIT Distribution Projection sheet. (On file with the original set of minutes in the Council office.)

Councillor Schneider asked the total amount that COIT increased. Mr. Clifford said that the total amount is \$8.5 million.

Chairwoman Moriarty Adams asked what is inspected when inspections are done. Earnest Malone, IFD Chief, stated that inspections are done on anything that is not classified as a Class 1 occupancy, which are one-and two-family dwellings.

Councillor McWhirter asked how many buildings are there in the IFD district for inspection. Chief Malone stated that there are between 10,000 and 18,000 buildings. Councillor McWhirter asked how it is decided on who to inspect and when to inspect them. Chief Malone said that they try to identify target hazards and choose that building first. He added that once an inspection is done, a reinspection is needed to make sure the violations that were found are corrected.

Councillor Franklin asked if these inspections are free services that are provided to the different agencies. Chief Longerich stated that there are cities that will charge for inspections if there are violations and a need for re-inspection. He said that there are some cities that charge for annual inspections, and this is something that will be looked at as a possible way to generate some additional revenue.

Councillor Schneider asked if IFD inspected State buildings. Chief Malone answered in the negative and stated that a State building would be inspected by the State.

Chairwoman Moriarty Adams asked if any of the apparatuses are 10 years old or more. Dudley Taylor, IFD Chief, stated that there are currently six front line apparatuses that are at least 10 years old. Chairwoman Moriarty Adams asked if there is a set standard on how old these apparatuses are allowed to be before replacement. Chief Taylor stated that there is not a national standard set. Chief Longerich stated that it is kind of catastrophic to not buy apparatuses for a period of time because they all come due for replacement at once. The best case scenario would be to replace so many apparatuses per year.

Councillor Franklin stated that since IFD loans out their fire trucks, then they should charge for that.

Chairwoman Moriarty Adams asked if IFD's DROP plan is the same as IPD's DROP plan. Mr. Clifford answered in the affirmative.

Councillor Bowes asked if it would be beneficial to start investing these dollars toward the pension obligations, and asked if it would reduce the present value. He said is seen to be a better approach than trying to catch up on pension obligations when they come due. Mr. Clifford said that financing has been unsuccessful for other jurisdictions, and at this time there is no long-term answer for the problem.

Councillor Oliver asked how it is that the Sheriff's pension is funded and IPD's pension is not. Mr. Clifford said that the Sheriff's pension is funded because they put money aside and saved the funds that were promised. He said that if IndyWorks passes then the people that are enrolled in these plans would stay in these plans, but those that are not would go into the 1977 pension plan which is funded as they go. Mr. Brown stated that the Sheriff's pension plan is fully funded because the County has funded more per officer for the Sheriff's pension than IPD has. Also the MCSD has been much a smaller department than IPD for many years.

Chairwoman Moriarty Adams stated that the Marion County Sheriff's Department will present their budget on August 31, 2005.

## CONCLUSION

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 8:41 p.m.

Respectfully submitted,

Mary Moriarty Adams, Chairwoman  
Public Safety and Criminal Justice Committee

MMA/rjp